

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____	X	
	:	
NADIRE ATAS,	:	
	:	
Plaintiff,	:	
	:	1:22-cv-00853-JPO
- against -	:	
	:	<i>Pro se</i> case
THE NEW YORK TIMES COMPANY, <i>et al.</i> ,	:	
	:	
Defendants.	:	
_____	X	

NEW YORK TIMES COMPANY
OPPOSITION TO MOTION FOR RECONSIDERATION

David E. McCraw
The New York Times Company
Legal Department
620 Eighth Avenue
New York, NY 10018
Phone: (212) 556-1234
Fax: (212) 556-4634
mccrad@nytimes.com

*Attorneys for Defendants The New
York Times Company, Ellen Pollock,
Kashmir Hill, Aaron Krolik, The
Daily Podcast, Michael Barbaro,
John Does 1-20, and XYZ
Corporations 1-20*

Defendants The New York Times Company, Ellen Pollock, Kashmir Hill, Aaron Krolik, The Daily Podcast, Michael Barbaro, John Does 1-20, and XYZ Corporations 1-10 (together “The Times”) respectfully submit this opposition to plaintiff Nadire Atas’s Motion for Reconsideration. Dkt. 78. Defendant Lily Meier (“Meier”) also joins in and adopts the arguments of The Times in opposing Atas’s motion.

Atas seeks reconsideration of the Court’s September 5, 2023 Order and Judgment dismissing all of her claims against The Times defendants with prejudice. Dkt. 77. Plaintiff offers no sound basis in law for reconsideration and the motion should be denied. Her request to further amend her complaint should likewise be denied.

“A motion for reconsideration is an extraordinary remedy to be employed sparingly in the interests of finality and conservation of scarce judicial resources.” *Drapkin v. Mafco Consol. Grp., Inc.*, 818 F. Supp. 2d 678, 695 (S.D.N.Y. 2011) (citation and quotations omitted). “To prevail, the movant must demonstrate either (i) an intervening change in controlling law; (ii) the availability of new evidence; or (iii) the need to correct clear error or prevent manifest injustice.” *ATX Debt Fund 1, LLC v. Paul*, No. 19-CV-8540 (JPO), 2023 U.S. Dist. LEXIS 111641, at *4 (S.D.N.Y. June 28, 2023) (citing *Jacob v. Duane Reade, Inc.*, 293 F.R.D. 578, 580-81 (S.D.N.Y. 2013)). *See also Cioce v. County of Westchester*, 128 Fed. App’x 181, 185 (2d Cir. 2005).

Atas offers no intervening change in controlling law or new evidence. Rather, the essence of Atas’s motion is that the court should not have relied on Canadian court records or judgments because the Canadian courts erred, did not give her due process, or were part of a “Kangaroo Court.” *See, e.g.* Dkt. 77 ¶¶ 9-24, 26-27, 33-36, 38, 48-52, 56-60. In other words, Atas attempts not only a second bite at the apple before this court, but she also seeks to relitigate the many Canadian proceedings to which she has been a party. These arguments lack any merit and the

Court need not consider them. All of Atas's allegations regarding the Canadian proceedings are based on events that occurred before briefing on The Times's motion to dismiss and were readily available to her then; they cannot provide a basis for reconsideration. *See, e.g., ATX Debt Fund I, LLC*, 2023 U.S. Dist. LEXIS 111641, at *8 (citations omitted). *See also Albury v. J.P. Morgan Chase*, 03-CV-2007 (HBP), 2005 U.S. Dist. LEXIS 14116, at *9 (S.D.N.Y. July 14, 2005) ("Except where a movant is relying on new facts that could not have been previously discovered or newly promulgated law, additional facts or new legal theories cannot be asserted by way of a motion for reconsideration.").

As this Court found, Atas's claims failed for multiple, independent reasons based on well-settled legal principles. Her claims variously failed because she failed to show material falsity; the statements at issue were protected by the fair report privilege; and she failed to adequately plead any evidence that the publications were made with actual malice. Dkt. 77. Atas does not demonstrate any "clear error" or "manifest injustice" in the decision. And Atas's perfunctory reference to Meier does not even attempt to meet this standard. The motion should be denied.

CONCLUSION

For all the reasons set forth above, The Times respectfully requests that the Court deny Plaintiff's Motion for Reconsideration and provide such other and further relief as the Court deems appropriate.

Dated: New York, NY
September 26, 2023

Respectfully submitted,

/s/David E. McCraw

David E. McCraw
The New York Times Company
Legal Department
620 Eighth Avenue
New York, NY 10018
Phone: (212) 556-1234
Fax: (212) 556-4634
mccrad@nytimes.com

*Attorney for Defendants The New York Times
Company, Ellen Pollock, Kashmir Hill, Aaron
Krolik, The Daily Podcast, Michael Barbaro, John
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